

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 27, 37, 38, 40, 41, and 44 are pending. Claims 27, 37, 38, 40, and 41 are amended by the present amendment. It is respectfully submitted that no new matter is added by this amendment, as support for the amendments may be found at least at page 51, lines 4-6 and Figure 12.

In the outstanding Office Action, Claim 38 was rejected under 35 U.S.C. §102(e) as anticipated by Kim et al. (U.S. Patent No. 6,740,135, hereinafter "Kim"); Claims 27, 37, 38, 40, 41, and 44 were rejected under 35 U.S.C. §103(a) as unpatentable over Yoo et al. (U.S. Patent No. 6,553,086, hereinafter "Yoo '086") in view of Yoo et al. (U.S. Patent No. 6,701,059, hereinafter "Yoo '059"); and Claim 38 was rejected under 35 U.S.C. §103(a) as unpatentable over Hiroshima et al. (U.S. Pat. No. 5,801,781, hereinafter "Hiroshima") in view of Lenihan et al. (U.S. Pat. No. 6,169,843, hereinafter "Lenihan") and Miwa (U.S. Pat. No. 6,285,825).

With regard to the rejection of Claims 27, 37, 38, 40, 41, and 44 under 35 U.S.C. §103(a) as unpatentable over Yoo '086 in view of Yoo '059, this rejection is respectfully traversed.

Amended Claim 27 recites in part, "said header information includes reception time-related information and information indicating whether stuffing data is present in the data packet of the MPEG-TS or in the first data unit."

In contrast, Figure 3 of Yoo '086 shows that a sector may include a pack header and an application header. However, Yoo '086 does not describe the contents of either header. (The outstanding Office Action conceded on page 4, lines 7-8 that Yoo '086 does not describe that the application header includes reception time related information.)

Figures 3 and 6 of Yoo '059 shows the contents of an application header included in a sector. However, neither Figure 3 of Yoo '059 and its related description at column 2, lines 21-39 nor Figure 6 of Yoo '059 and its related description at column 4, lines 3-45 teach or suggest that the application header includes “information indicating whether stuffing data is present in the data packet of the MPEG-TS or in the first data unit,” as recited in amended Claim 27.

Consequently, Yoo '086 and Yoo '059 both fail to disclose or suggest “said header information includes ... information indicating whether stuffing data is present in the data packet of the MPEG-TS or in the first data unit,” as recited in Claim 27. Thus, it is respectfully submitted that Claim 27 (and Claim 44 dependent therefrom) is patentable over Yoo '086 in view of Yoo '059.

Since Claims 37, 38, 40, and 41 recite similar features to Claim 27, it is further respectfully submitted that Claims 37, 38, 40, and 41 are also patentable over Yoo '086 in view of Yoo '059.

With regard to the rejection of Claim 38 under 35 U.S.C. §102(e) as anticipated by Kim, that rejection is respectfully traversed.

Amended Claim 38 recites in part, “said second data unit includes header information just before the reception time information of a first pair of said first data unit and reception time information.”

Kim relates to a method and apparatus for recording MPEG data streams to a digital video disc (DVD). Kim describes that the data stream is grouped into stream object units (SOBUs).¹ The SOBUs include transport stream packets (TS Pkt n) having transport stream packet arrival times (TS APATs).² The outstanding Office Action cites the first instance of

¹See Kim, column 3, lines 31-50.

²See Kim, column 3, lines 23-30 and Figure 3.

TS APAT as a header for a packet.³ However, assuming *arguendo* that the first TS APAT is a header, this header is not located “just before the reception time information of a first pair of said first data unit and reception time information,” as the next information in the stream is TS Pkt 1. Accordingly, it is respectfully submitted that Kim does not teach or suggest a “said second data unit includes header information just before the reception time information of a first pair of said first data unit and reception time information” as recited in Claim 38. As Kim fails to disclose or suggest the features of Claim 38, it is respectfully submitted that Claim 38 is patentable over Kim.

With regard to the rejection of Claim 38 under 35 U.S.C. §103 as unpatentable over Hiroshima in view of Lenihan and Miwa, this rejection is also respectfully traversed.

Hiroshima discloses an apparatus for converting MPEG-1 data to MPEG-2 formatted data. Hiroshima describes the stream as including packets (92) which may include a presentation time stamp (PTS) (124) and a decoding time stamp (DTS) (126).⁴ The outstanding Office Action apparently cites packet (92) as header information including time-related information of the first data unit.⁵ However, packet (92) is not located “just before the reception time information of a first pair of said first data unit and reception time information,” as the next information in the stream is presumably another packet beginning with a head start code (110).

Further, as conceded in the outstanding Office Action,⁶ neither PTS nor DTS is a “reception time,” nor are they “reception time-related information.” The outstanding Office Action cites Lenihan as teaching reception time information.⁷ However, Lenihan describes attaching a single arrival time stamp ATS to an entire transport packet.⁸ It is respectfully

³See outstanding Office Action, page 2, line 25 to page 3, line 2.

⁴See Hiroshima, Figures 6 and 7.

⁵See outstanding Office Action, page 5, lines 10-12.

⁶See outstanding Office Action, page 5, line 13.

⁷See outstanding Office Action, page 5, line 14-17.

⁸See Lenihan, column 7, line 66 to column 8, line 5.

submitted that there is no teaching or suggestion in either Hiroshima or Lenihan to provide "one or more pairs of said first data unit and reception time information," much less "header information just before the reception time information of a first pair of said first data unit and reception time information." Accordingly, it is respectfully submitted that neither Hiroshima nor Lenihan teaches or suggests a "second data unit" as recited in Claim 38.

Miwa relates to a computer readable storage medium storing a recording program. Although Miwa discloses VOBUs including header information, it is respectfully submitted that there is no teaching or suggestion in Miwa for a header including "one or more pairs of said first data unit and reception time information," nor "header information just before the reception time information of a first pair of said first data unit and reception time information," as recited in Claim 38. Thus, it is respectfully submitted that Miwa does not teach or suggest a "second data unit" as recited in Claim 38.

As none of Hiroshima, Lenihan, or Miwa, either alone or in combination, disclose or suggest the features recited in Claim 38, it is respectfully submitted that Claims 38 patentably distinguishes over the applied combination of Hiroshima, Lenihan, and Miwa. Accordingly, it is respectfully requested that this rejection be withdrawn.

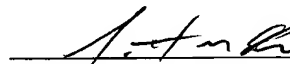
Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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